

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 5903 of 2005

Between:

S. Appala Konda S/o Rajulu
R/o Jaddangi Village, Rajavommangi (M)

East Godvari District

..... PETITIONER

AND

1 The Additional Agent to the Government

East Godavari District at Ramachodavaram,

2 The Special Deputy Collector (TW) Rampachodavaram,

East Godavari District

3 The Mandal Revenue Officer, Rajavommangi, East Godvari District

4 The Special Deputy Tahsildar Tribal Welfare

Rajavommangi (M), East Godvari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in evicting the petitioner from the land to an extent of Ac. 4.82 cents in Sy. No. 490/1 of Jaddangi Village, Rajavommangi Mandal, East Godavari District pending consideration of the appeal and stay petition filed before the 1st respondent against the orders in LTRP NO. 189/2004, dated 23-12-2004 on the file of the 2nd respondent as illegal arbitrary and unjust and consequently direct the respondents notto evict the petitioner from the above land pending disposal of the appeal and to pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondent Nos.1 to 4: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following:

ORDER:

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This writ petition is filed to issue a Writ of Mandamus declaring the action of the respondents in evicting the petitioner from the land in S.Nos.490/1 admeasuring Ac.4.82 cents of Jaddangi village, Rajavommangi Mandal, East Godavari District, in pursuance of the orders of the 2nd respondent-Special Deputy Collector, Tribal Welfare, Rampachodavaram, East Godavari District, in L.T.R.P.No.189 of 2004 dated 23.12.2004, as arbitrary and illegal.

The claim of the petitioner is that he has been in possession and enjoyment of the land in question since before commencement of the Act 1/59 as amended by the 1/70 Regulation. The 2nd respondent, by an order dated 23.12.2004, ordered for eviction of him from the land in question for restoration of the same to the Government for onward distribution to eligible tribals. Challenging the same, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Social Welfare appearing for the respondents.

It is stated in the affidavit filed in support of the writ petition that against the order of the 2nd respondent in L.T.R.P.No.189 of 2004 dated 23.12.2004, an appeal has been preferred by the petitioner before the 1st respondent and it is pending. Hence, the petitioner cannot be permitted to prosecute two parallel proceedings in respect of the same cause of action.

Therefore, the writ petition is disposed of, with a direction to the 1st respondent to dispose of the appeal, if any, preferred by the petitioner against the impugned order, within a period of 4 (four) weeks from today. If an appeal is already preferred, status quo existing as on today, shall be maintained till the disposal of the appeal. If no

appeal is preferred, there is no status quo order. No order as to costs.

Dated: 22.03.2005

Dsr

Note:

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Issue CC by tomorrow

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Additional Agent to the Government,
East Godavari District at Rampachodavaram

2. The Special Deputy Collector (TW)
Rampachodavaram, East Godavari District

3. The Mandal Revenue Officer,
Rajavommangi, East Godavari District

4. The Special Deputy Tahsildar,
Tribal Welfare, Rajavommangi Mandal,
East Godavari District

5. Two CCs to the Government Pleader for

Social Welfare, High Court Buildings,
Hyderabad (OUT)

6. Two CD copies

*Form-NIC-OGS/WP{**TRT**}*